

an electronic image display for automatically displaying the captured images from the first memory for a first time interval in response to operation of said shutter button;

a second memory for storing a plurality of processed images;

a processor for processing images from the first memory and storing the processed images as image files in the second memory, said processor operating over a second time interval to process an image; and

a user enabled control section coupled to the processor for erasing an image before the end of the second time interval so as to facilitate the capture and processing of another image.

#### REMARKS

Claims 5, 6, 9 and 12-13 stand rejected under 35 U.S.C. §102 (e) as being unpatentable over Fellegara et al. The Examiner states that applicants' previous amendment to the claims fails to distinguish over the reference. Applicants submit that the Examiner's own remarks illustrates that Fellegara et al. clearly does not disclose the claimed invention.

The Examiner states that Fellegara et al. discloses a shutter button 24 which causes the camera controller 68 to initiate a power up mode to perform the pre-exposure operations. The power up mode described in Fellegara et al., however, clearly does not refer to a power up of the display. Instead, pre-exposure operations are described as autofocusing and exposure control operations (col. 11, lines 14-16). As the Examiner correctly notes, the initiation of the image display to display an image on the display unit 36 only occurs upon manual activation of the quick review switch 37. Further, Fellegara et al. specifically states that the main screen display unit 36 is not activated unless specifically turned on by the camera operator using the review switch 37 (col. 13, lines 7-15).

By the Examiner's own analysis, Fellegara et al. clearly fails to disclose an image display controller responsive to actuation of the shutter button for automatically powering up the image display after the image is captured in order to display the captured image as set forth in claim 5. In fact, Fellegara et al. actually teaches away from the claimed invention by requiring the manual operation of the review switch 37 to effect image viewing. Accordingly, Fellegara et al. cannot anticipate claim 5 and claims dependent thereon.

Claim 13 includes the step of selectively enabling quick view in which the image display is automatically turned on in response to actuation of the shutter button. Fellegara et al. also fails to disclose this step, as Fellegara et al. discloses manual operation of the review switch 37. Accordingly, the rejection of claim 13 and claims dependent thereon is also improper and should be withdrawn.

Claim 9 has been amended to further clarify that the electronic image display automatically displays the image in response to activation of the shutter button. This feature is not disclosed in Fellegara et al. as discussed above. The amendment to claim 9 does not raise a new issue requiring further search and consideration by the Examiner, as the feature incorporated in claim 9 was already set forth in the other claims and previously argued by applicants. Entry of the amendment to place the claim in better form for appeal is respectfully requested.

Claims 1-4 stand rejected as being unpatentable over Fellegara et al. in view of Nagano. Applicant notes that claim 1 also require automatic activation of the display. The Examiner specifically states that "He does not teach a display that is automatically turned on without user intervention. Instead, the display unit is not activated unless specifically turned on by the user." (Final Official Action, last line page 7 - line 2 of page 8). This statement by the Examiner confirms applicants arguments set forth above, namely, that by the Examiner's own admission, the reference cannot anticipate the claims rejected under 35 U.S.C. § 102. With respect to the

rejection of claims 1-4, the Examiner states that Nagano "it is inherent that the EVF is automatically turned on, without user intervention".

Applicants first note that an argument that something is "inherent" is inappropriate with respect to a rejection under 35 U.S.C. § 103. The standard is not what is "inherent", but what would be suggested to one of ordinary skill in the art from the teachings of the reference. In this case, the operation of the electronic viewfinder of Nagano is not even relevant with respect to automatically activating a quick view feature in response to activation of the shutter button. In the claimed invention, an optical viewfinder is used for viewfinding. The image display is activated in the quick view feature to allow viewing of the image after capture has taken place.

In view of the above, the combination of references proposed by the Examiner, even if proper, would not form the basis for finding the claims prima facie obvious under 35 U.S.C. § 103, as neither reference --taken singly or in combination-- discloses the quick view feature as claimed. Accordingly, the rejection of claims 1-4 is improper and should be withdrawn.

Applicants are filing a notice of appeal with petition for extension of time with this amendment and request for reconsideration.

Respectfully submitted,



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September 1, 2000  
Date

Attorney Docket: 77140PRC-KODA:267

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